

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

DMJ:BTR
F.#2010R02507
NYNYE562

★ JUL 20 2011 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

- - - - -X

UNITED STATES OF AMERICA

S U P E R S E D I N G
I N D I C T M E N T

- against -

- 2 SHAUN AFANADOR,
also known as "S Dot,"
TERRI ANN BEDELL, and
DERICK PHANORD, also known as
"D", "DP", "Big D" and
"Double Pounds,"

Defendants.

Cr. No. 11-254 (S-1) (JFB)
(T. 18, U.S.C.,
§§ 922(g)(1), 924(a)(2),
924(c)(1)(A)(i),
924(c)(1)(A)(ii),
924(c)(1)(C), 981(a)(1)(C);
982(a)(1), 982(b); 1951(a),
1956(h), 2, 3551 et seq.,
21 U.S.C. 853(p) and 28
U.S.C. § 2461(c))

- - - - -X

THE GRAND JURY CHARGES:

COUNT ONE
(Hobbs Act Robbery Conspiracy)

1. In or about and between April 2009 and April 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants SHAUN AFANADOR, also known as "S Dot," TERRI ANN BEDELL and DERICK PHANORD, also known as "D", "DP", "Big D" and "Double Pounds," together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of

drug dealers and business owners in Kings County, Queens County, Bronx County, Nassau County and Suffolk County, New York.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT TWO

(Robbery of a Heroin Trafficker)

2. In or about November 2009, within the Eastern District of New York, the defendant SHAUN AFANADOR, also known as "S Dot," together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of a heroin trafficker in Suffolk County, New York, whose identity is known to the Grand Jury.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT THREE

(Brandishing of a Firearm during Crime of Violence)

3. In or about November 2009, within the Eastern District of New York, the defendant SHAUN AFANADOR, also known as "S Dot," together with others, did knowingly and intentionally use and carry one or more firearms, to wit: .38 caliber revolver handgun, during and in relation to a crime of violence, to wit: the crime charged in Count Two, and did knowingly and intentionally possess said firearms in furtherance of such crime of violence, which firearm was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(C), 2 and 3551 et

seq.)

COUNT FOUR

(Robbery of a Marijuana Trafficker)

4. On or about November 23, 2009, within the Eastern District of New York, the defendants SHAUN AFANADOR, also known as "S Dot," and DERICK PHANORD, also known as "D", "DP", "Big D" and "Double Pounds," together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of a marijuana trafficker in Queens County, New York, whose identity is known to the Grand Jury.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT FIVE

(Brandishing of a Firearm during Crime of Violence)

5. On or about November 23, 2009, within the Eastern District of New York, the defendants SHAUN AFANADOR, also known as "S Dot," and DERICK PHANORD, also known as "D", "DP", "Big D" and "Double Pounds," did knowingly and intentionally use and carry one or more firearms, to wit: .38 caliber revolver handgun and a 9mm caliber semi-automatic handgun, during and in relation to a crime of violence, to wit: the crime charged in Count Four, and did knowingly and intentionally possess said firearms in furtherance of such crime of violence, which firearms were brandished.

(Title 18, United States Code, Sections

924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(C), 2 and 3551 et seq.)

COUNT SIX

(Attempted Robbery of a Business Owner)

6. In or about November, 2009, within the Eastern District of New York and elsewhere, the defendant DERICK PHANORD, also known as "D", "DP", "Big D" and "Double Pounds," together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, to wit: the attempted robbery of a business owner in Bronx County, New York, whose identity is known to the Grand Jury.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT SEVEN

(Use of a Firearm during Crime of Violence)

7. In or about November 2009, within the Eastern District of New York and elsewhere, the defendant DERICK PHANORD, also known as "D", "DP", "Big D" and "Double Pounds," did knowingly and intentionally use and carry one or more firearms, to wit: a 9mm caliber semi-automatic handgun, during and in relation to a crime of violence, to wit: the crime charged in Count Six, and did knowingly and intentionally possess said firearms in furtherance of such crime of violence.

(Title 18, United States Code, Sections

924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(C), 2 and 3551 et seq.)

COUNT EIGHT
(Felon-in-Possession of a Firearm)

8. On or about and between April 1, 2009 and April 1, 2010, within the Eastern District of New York and elsewhere, the defendant DERICK PHANORD, also known as "D", "DP", "Big D" and "Double Pounds," having previously been convicted in a court of a crime punishable by a term of imprisonment exceeding one year, did knowingly and intentionally possess in and affecting commerce one or more firearms, to wit: a 9mm semi-automatic handgun, and ammunition.

(Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 3551 et seq.)

COUNT NINE
(Conspiracy to Launder Money)

9. In or about and between April 2009 and April 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant SHAUN AFANADOR, also known as "S Dot," TERRI ANN BEDELL, and DERICK PHANORD, also known as "D", "DP", "Big D" and "Double Pounds," did knowingly and intentionally conspire to conduct financial transactions affecting interstate commerce, to wit: the receipt of money from the sale of controlled substances and robbery proceeds, which transactions in fact involved the proceeds of specified unlawful activity, to wit: (a) trafficking in illegal controlled

substances, contrary to Title 21, United States Code, Sections 841(a)(1), and (b) the obstruction of commerce by robbery, contrary to Title 18, United States Code, Section 1951(a), knowing that the property involved in the transactions represented the proceeds of some form of unlawful activity, with the intent to promote the carrying on of the specified unlawful activity, contrary to Title 18, United States Code, Section 1956(a)(1)(A)(i).

(Title 18, United States Code, Sections 1956(h) and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION AS TO COUNTS
ONE, TWO, FOUR, AND SIX

10. The United States hereby gives notice to the defendants charged in Counts One, Two, Four, and Six that, upon their conviction of any such offenses, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which requires any person convicted of such offenses to forfeit any property constituting or derived from proceeds obtained directly or indirectly as a result of such offenses, and all property traceable thereto:

a. All right, title and interest in a 2004 Honda red motorcycle, VIN JH2SC57064M005101, New York Registration 22FF98.

If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due

diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of such defendants up to the value of the forfeitable property described in this forfeiture allegation.

(Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p))

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT NINE

12. The United States hereby gives notice to the defendants charged in Count Nine that, upon their conviction of such offense, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(1), of all property involved in each offense of conviction in violation of Title 18, United States Code, Section 1956, or conspiracy to commit such offense, and all property traceable to such property:

Money Judgment

A sum of money equal to at least approximately \$500,000
in United States currency;

Specific Property

a. All right, title and interest in Astoria
Federal savings Bank, Account no. 9001627151 in the name Derick
and Roline Phonard and all proceeds traceable thereto;

b. All right, title and interest in a 2001
Volkswagen, VIN 9BWDD61J714040740, New York Registration FGT
7355; and

c. All right, title and interest in a 2004 Honda
red motorcycle, VIN JH2SC57064M005101, New York Registration
22FF98.

If any of the above-described forfeitable
property, as a result of any act or omission of the defendants:

(a) cannot be located upon the exercise of due
diligence;

(b) has been transferred or sold to, or deposited
with, a third party;

(c) has been placed beyond the jurisdiction of the
court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which
cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18,

United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 982)

A TRUE BILL


FOREPERSON


LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

No. 2010R02507

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

SHAUN AFANADOR,
also known as "S Dot,"
TERRI ANN BEDELL, and
DERICK PHANORD, also known as
"D", "DP", "Big D" and
"Double Pounds,"
Defendants.

SUPERSEEDING INDICTMENT

T. 18, U.S.C., §§ 922(g)(1), 924(a)(2), 924(c)(1)(A)(I), 924(c)(1)(A)(ii),
924(c)(1)(C), 981(a)(1)(C); 982(a)(1), 982(b); 1951(a), 1956(h), 2, 3551 et seq.,
21 U.S.C. 853(p) and 28 U.S.C. § 2461(c)

A true bill.

Elyse M. Hume

Foreman

Filed in open court this _____ day,

of _____ A.D. 19 _____

Clerk

Bail, \$ _____

BURTON RYAN, (631) 715-7853